



**MINUTES  
CITY COUNCIL REGULAR MEETING  
March 16, 2021**

**CALL TO ORDER**

The meeting was called to order at 6:30 pm.

*Due to the COVID-19 health pandemic, the Long Lake City Council attended the meeting telephonically pursuant to Minn. Stat. 13D.021.*

**Present:** Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce, and Deirdre Kvale

**Staff Present:** City Administrator: Scott Weske; Public Works Director: Sean Diercks; Engineering Consultant: Alex Mollenkamp; Planning Consultant: Eric Zweber (on behalf of Hannah Rybak); Fire Chief: James Van Eyll; and City Clerk: Jeanette Moeller

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES**

Mayor Miner offered the following comments and updates:

The Economic Development Authority met prior to the regular City Council meeting to discuss items related to the redevelopment of Virginia Avenue and to approve a second amendment to the purchase agreement for the City owned lot.

Mayor Miner commended the Fire Department for doing a great job combatting a big grass and swamp fire last Saturday in Orono under challenging conditions. He expressed appreciation for the assistance rendered from surrounding communities and noted that there were no injuries nor was their damage to any residences in that fire.

He noted that there has been increased traffic in the City even though the official detour for the closure of County Road 15 is not through the City.

**APPROVE AGENDA**

*A motion was made by Feldmann, seconded by Joyce, to approve the agenda as presented. Ayes: all by roll call.*

**CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of March 2, 2021 City Council Work Session
- B. Approve Minutes of March 2, 2021 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Approval of Second Amendment to Purchase Agreement with Lifestyle Communities, LLC and The Borough, LLC

*A motion was made by Dyvik, seconded by Feldmann, to approve the Consent Agenda as presented.  
Ayes: all by roll call.*

## **OPEN CORRESPONDENCE**

No one was present to address the Council during Open Correspondence, and no written comments were received to be read aloud by staff.

## **BUSINESS ITEMS**

### **Planning Case #2021-01/Request for Approval of a Preliminary and Final Plat for the Luce Line Woods to be Located at 915 Wayzata Boulevard W (Applicant: Joseph Houghton, Subdividing Existing Lot into 2 Lots)**

Eric Zweber, WSB, advised that he was filling in for Planning Consultant Rybak and gave a presentation regarding the application for Preliminary and Final Plat for Luce Line Woods located at 915 Wayzata Boulevard W. He noted that the property is zoned R-1 Single Family and the future land use designation is low density residential. He stated that the request is for a subdivision that would divide the one lot to result in two single-family lots, with the existing home to remain on Lot 1 and Lot 2 to be developed for a new single-family home. The existing driveway will serve both properties as a shared driveway. He reviewed the grading and utility concept plan, the lot requirements, and tree preservation estimations. He asked City Engineer Mollenkamp to review the engineering considerations.

City Engineer Mollenkamp had technical difficulties.

Mr. Zweber stated that he would begin going through the engineering considerations while City Engineer Mollenkamp made an alternative connection.

Council member Joyce asked about the ratio for tree preservation.

Mr. Zweber responded that the 1:3 ratio means that they have to put in one tree for every three trees that are removed and is typically counted on an 'inch' basis which means there may end up being a larger number of trees. He noted that there will need to be a driveway easement as well as a sanitary sewer connection easement.

Council member Kvale asked if there was an existing easement for the sanitary sewer.

Mr. Zweber replied that City Engineer Mollenkamp would have to address that question, but noted that it may be that they are within the drainage and utility easements that would allow that kind of connection. He explained that sanitary sewer and water services for Lot 2 will be installed across Lot 1 which will necessitate that utility access and maintenance easements be required; sanitary sewer and water services for Lot 1 will cross Lot 2, so utility access and maintenance easements will also be required for these services; sanitary sewer and water for Lot 1 will cross 206 Lindawood Lane and 207 Lindawood Lane which will need the same access and maintenance agreement as already mentioned. The existing and proposed drainage contours were reviewed and the drainage patterns don't appear to be significantly altered.

City Engineer Mollenkamp was able to re-establish her connection. She clarified that multiple properties have sanitary and water services that cross the neighboring private property so in those circumstances, the City requires that everybody has an easement for their own services to maintain them. To answer Council member Kvale's question, she indicated that they are trying to figure out if there is an existing easement for the sanitary sewer in place. They do know that there is at least an access easement but it has not been confirmed whether or not the access also contains a

maintenance easement. She explained that there are a few more oddities associated with the lot because of how it is served with sanitary sewer and water with having longer than typical services and noted that any need for a pump or other special things for the system will be at the sole responsibility of the homeowner. She added that that homeowner may want to upsize the water pipe at this time as well. Any existing wells and septic systems at the property will need to be shown to be abandoned or removed, and any debris or contaminants found will be the responsibility of the landowner. At the time of the Building Permit, an erosion control plan will also be required and the applicant will need to submit all necessary documents for drainage plans. She noted that there may also required permits from other outside agencies. She described the configuration of the lots and the locations of the various service lines.

Mr. Zweber reviewed the general and overall requirements for Preliminary and Final Plat approval criteria. The Planning Commission unanimously recommended approval with the 12 conditions listed in the staff report and resolution.

Council member Dyvik questioned if the excess accessory structures were sheds.

City Clerk Moeller stated that she had driven by and taken photos for Planning Consultant Rybak. She noted it appears there are a few sheds, a possible carport like structure, and some brush piles.

Council member Dyvik inquired whether the sheds would have to be removed, or at least brought down to the allowable number before this would be approved. He asked if this was the house that has been for sale.

Moeller responded that both the 915 and 925 properties had been for sale, and the 925 property had sold some time ago with the 915 property purchased more recently by the current owner. She stated that there is currently a for sale sign on the property, so she suspects the property owner is marketing the lot he is hoping to create.

Council member Kvale asked if Joseph Houghton was the property owner because the tax records show a different name.

Moeller replied that Hennepin County may not have their documentation completely up to date.

Council member Kvale questioned if there would be a problem obtaining the easements from the Lindawood Lane addresses.

Mollenkamp reported that she had communicated with the surveyor regarding that issue and they do believe there is an easement in place and it may just be a matter of making sure it gives all the necessary rights. She explained how the easements will need to work in this situation.

Council member Dyvik noted that the property owner listed on the Hennepin County site is E.J. Bouley which shows a sale date of June 2020.

Moeller noted that the City may need to reach out to Hennepin County to clarify this issue.

Council member Kvale asked if the property owner was also the realtor for the property.

Moeller responded that Joseph Houghton is both the property owner and the realtor because he owns his own company.

Council member Feldmann sought further details about the easements, particularly for Lot 2.

Mollenkamp reviewed the access and maintenance easements that may be needed or confirmed to be already in place. She added that the applicant will have to verify all of this information before anything can move forward.

Council member Feldmann noted that at the Planning Commission meeting, a resident had brought up the issue of setbacks with this property being right next to the Luce Line Trail. He reported that it was explained that there are no special setback requirements related to the trail and the lot would be subject to standard lot line setbacks regardless of the fact that it is in proximity to the Luce Line.

Council member Kvale questioned whether the owners of the Lindawood Lane properties had attended the Planning Commission meeting.

Mollenkamp replied that she recalled the owner of 206 Lindawood Lane had attended the meeting and asked whether the easement meant that they would dig in his yard. She had answered his question stating that right now there is nothing seemingly wrong with the utilities that are within his property, and that the easement would just allow for the property owner to excavate if the service needed to be replaced.

Moeller reported that she had spoken to a few residents that live in the area that just wanted information about the application, which was provided.

Council member Feldmann asked if there was a specific location proposed for the driveway.

Mr. Zweber stated that under condition #3, the easement needs to be granted for the driveway which could be in the currently identified location or deferred to when a building permit comes in. The condition of approval as it is listed for the driveway is not specific to that location. He noted that the condition just establishes that there will not be a second driveway access onto Wayzata Boulevard W and the property owner will need to figure out how to connect to the existing driveway.

Council member Dyvik inquired why they can't have a second driveway access to Wayzata Boulevard W.

Mollenkamp indicated she believes the way it was presented by the applicant was focused on utilizing a shared driveway because they knew that was already allowed. She commented that it is also easier to request from the County to share an existing access rather than adding another one.

Moeller read aloud a portion of the e-mail from the County that was included in the packet, identifying the County's position that a separate driveway would be discouraged and a shared access would be preferable.

Council member Dyvik mentioned that although there are no variances needed, he doesn't think this seems like a natural subdivision.

Council member Kvale stated that she is still wondering how the sewer lines will be able to be put in.

Mollenkamp noted that Lot 1 has their existing utilities already in place, so it is simply an exercise of verifying that they have easements over those as part of cleaning up the title for that lot and Lot 2 would only need an easement over Lot 1. She answered questions from the Council regarding the easement concerns.

Moeller reminded the Council that all of the conditions will be required to be met before a building permit would be issued which means that all of the easement issues will need to be resolved. She

added that she had also just confirmed that the applicant is the current owner of record and the information on the Hennepin County site is incorrect.

*A motion was made by Dyvik, seconded by Feldmann, to adopt Resolution No. 2021-09 approving a preliminary and final plat for Luce Line Woods to be located at 915 Wayzata Boulevard W, subject to the 12 conditions set forth in the resolution. Ayes: all by roll call.*

**Proposal from WSB for Assistance with MS4 Permit Part II Application for Reauthorization Due April 15**

Mollenkamp reported that WSB is helping several metro cities complete their MS4 applications and gave some background on the MS4 permit reissuance process. She stated that the City's last permit was completed in 2013 and when this updated permit is submitted, the City will likely have implementation tasks to complete in the coming year. She shared some examples of implementation tasks that may need to be undertaken in order to be compliant under the permit. She explained that the basic scope of this proposal was the MS4 program assessment, Part II application for reauthorization, and the total maximum daily load (TMDL) assessment.

Council member Dyvik questioned whether Orono would be part of this process because they have 2/3 of the lakeshore, and also mentioned Medina as they also have stormwater that goes into the lake. He stated that if something like this is going to be successful and effective, all the cities will need to participate.

Mollenkamp explained that the TMDL is the City's allocation for a city based on its size and how much impervious surface it contains. She noted that any neighboring cities would also have their own allocated TMDL that they are 'allowed' to contribute to the lake.

Council member Kvale asked how often the City will have to go through this process.

Taylor Engstrom, WSB, replied that there is a five-year cycle and permitting may be re-upped from there.

Council member Kvale inquired if the MPCA provides any economic assistance for cities for work related to this permit process.

Engstrom replied that she is not aware of any grants or assistance available for this purpose.

Council member Kvale asked if the City's TMDL numbers were high and would require a lot of mitigation.

Mollenkamp responded that she did not know the numbers off the top of her head of where they would like the City to be as compared to where the City is, but part of what has to happen with this application is to either build our own model or use their model and plug in the City's information. She stated that she is assuming that she will be able to get this information from the Minnehaha Creek Watershed District.

Council member Dyvik indicated he is under the impression that the City's TMDL is higher than they would like.

Council member Joyce asked how many hours were estimated for this work and also how it compares to the last time the City completed this project in 2013.

Weske noted that the MPCA had added a whole bunch of requirements to this permit process that were not included before in 2013, so this one will be more labor intensive in order to complete what they're asking for.

Engstrom noted that the first issuance portion will be about 40 hours and the TMDL would be between 40-50 hours.

Council member Joyce questioned if there was a different hourly cost for those two activities since they are different.

Mollenkamp replied that the proposal did not break that cost down, but in general, Task #1 will include mostly Engstrom's work and the TMDL work would involve more senior level staff and project oversight.

Council member Dyvik asked if the City required this estimate to be based on hours and rates.

Weske mentioned that at the beginning of the year WSB had sent their hourly pay scale for various individuals and noted that this estimate didn't break it down that far.

Council member Dyvik questioned whether this project had been budgeted for when budgeting for WSB services for the year.

Weske responded that he did not budget for this through the operating levy because it would fall under stormwater utility and would be an expense that would come through the operation of the 603 Fund.

Council member Joyce asked if it would be fair for the Council to ask for those types of details on future proposals.

Council member Kvale voiced her agreement and noted it would be nice to be able to review those kinds of details.

Weske recommended starting with a 'do not exceed' dollar amount and tracking the hours through this proposal based on the estimate, and he and City Engineer Mollenkamp can check in weekly to assure the project cost remains on track. He stated that this application cannot be done in-house by staff due to the technical requirements and WSB's help is needed.

Public Works Director Diercks recalled that back in 2013 when the MS4 was brought forward to the City and up until now, the majority of the scope of the MS4 was maintaining or keeping a status quo of what the TMDLs should be. He stated that he has seen several permit cycles on the waste water side of things and if this is anything like that process, it will gradually come to a point where they will assign TMDLs in the City and then the City will have to try to meet those. As the City becomes more efficient at controlling the TMDLs he would expect the MPCA to start ratcheting the numbers down even further.

Mollenkamp stated that she will include more task hour and cost detail in these types of proposals in the future.

*A motion was made by Dyvik, seconded by Miner, to award a contract for Professional Services to WSB in an amount not to exceed \$7,220 for assistance with completion of the MS4 Part II Application for Reauthorization project.*

Council member Dyvik added that he would echo comments made by the Council that in the future he would like to see an hourly breakdown and a basis for the hours on each task.

*Ayes: all by roll call.*

**Special Event Permit Request for the Memorial Day 'Murph' Challenge**

Moeller provided background on the history of the proposed event, stating that since 2014 it had initially been held annually at Excelsior Commons. When FitHaus took over the event, it was moved to Wayzata West Middle School but they found that they missed the backdrop of the lake environment. They reached out to staff about the possibility of utilizing Nelson Lakeside Park for the event. She shared an overview of the Memorial Day 'Murph' Challenge and noted that they are anticipating that 100-200 athletes could register for the event with spectators welcomed. There will be some food truck vendors, a bouncy house, face painter, and there would be no alcoholic beverages sold or distributed. She reviewed conditions of approval included in the permit. Staff is recommending approval of the Special Event Permit and the Noise Variance Permit.

Council member Dyvik asked about the hours for the noise variance.

Moeller responded that Sunday hours will be 12:00 pm to 6:00 pm which would be unlikely to involve significant noise as that date will be focused on equipment setup. On the event date on Monday, the hours will be 8:30 am to 2:00 pm.

Council member Dyvik questioned if the City notifies the neighbors when there is a noise variance application.

Moeller replied that the City has not done that in the past, though it does publish meeting agendas on which event applications are listed. She stated that they could also post notices at the park of the event and noted that the City is not required to mail notices in this instance.

Mayor Miner commented that there are only a handful of homeowners in the event's area and stated that even if it is not required, he feels it would be courteous of the City to notify those residents.

Council member Dyvik agreed that it would be a good idea to notify those homeowners.

Moeller noted that a condition could be added that the applicant is required to provide notice of the event to the immediate neighborhood or something similar; or alternatively, staff can simply provide notice.

The Council discussed the Memorial Day ceremony and how it will fit into the event.

*A motion was made by Kvale, seconded by Joyce, to adopt Resolution No. 2021-10 approving issuance of Special Event Permit #S2021-02 for the Memorial Day Murph Challenge to be held Monday, May 31, 2021; and to approve the issuance of a Noise Variance Permit authorizing use of sound amplification equipment during the event.*

Council member Feldmann asked if the notification of the nearby residents would be added as a condition.

City Clerk Moeller stated that she can address that from a staff perspective.

*Ayes: all by roll call.*

### **Special Event Permit Request for a Temporary Outdoor Patio at the Red Rooster Bar & Restaurant**

Moeller gave an overview of the request for a Special Event Permit for a temporary outdoor patio at the Red Rooster Bar due to the ongoing pandemic. She noted that this is the same patio that was administratively authorized last year by staff. She reviewed some of the permit conditions proposed and stated that staff is recommending approval.

*A motion was made by Joyce, seconded by Feldmann, to adopt Resolution No. 2021-11 approving issuance of Special Event Permit #S2021-03 for the Temporary Outdoor Patio at the Red Rooster Bar & Restaurant, effective April 1 through October 1, 2021. Ayes: all by roll call.*

### **OTHER BUSINESS**

**Well Wishes for Public Work Director** - The Council wished Public Works Director Diercks well on his upcoming shoulder surgery.

**Meetings Regarding Fire Service** - Mayor Miner reported that there was a second meeting of the fire group last week to brainstorm ideas for the future of fire service in the community and explore possible partnership opportunities. He stated that they are planning to continue meeting once a month.

**Public Works Updates** - Diercks indicated that all three Public Works employees have received the first round of the COVID-19 vaccine, including himself. He advised that interviews are scheduled later in the week for the open Maintenance Worker I position. He stated that as mentioned earlier, he will be out of the office next week getting his rotator cuff repaired.

**Swamp Fire Response** - Fire Chief Van Eyll stated that there had been a swamp fire the previous week just north of Tanager Lake. He expressed his appreciation to the surrounding neighboring crews for doing a fabulous job to contain the fire.

**COVID-19 Funding for Cities** - Weske reported that there will be a new COVID-19 related funding distribution to cities coming out that may be calculated on the basis of city populations at \$100/person - which would be about \$180,000 to Long Lake – and funding uses propose to be a bit less restrictive than the last round of COVID-19 funding disbursements. He confirmed that when he has more detailed information, he will share it with the Council.

**Updated City Goals** - Moeller indicated that she had updated the City Goals List on the website, explained how she had laid out the information.

**Traffic Issues Due to County Road 15 Road Work** - Mayor Miner questioned whether City Hall had been receiving any calls or e-mails regarding traffic concerns related to County Road 15 being closed. Moeller replied that she had not received any calls on the matter at the front desk. Mayor Miner noted that he and his wife had been out for a walk and were stopped by two different residents complaining about the increased traffic, especially along Orchard Lane. He asked if the City had a 'your speed limit is...' trailer. Moeller responded that the Police Department would likely need to be involved and she believed that Police Chief Risvold had indicated they have the ability to borrow a speed monitoring trailer, but the department does not have one themselves. She recommended that if the Council has any specific input on where some of the areas of concern are, staff can communicate that to Police Chief Risvold and request some stepped up enforcement in those areas. She stated that they can also ask about the possibility of using a speed trailer. Council member Kvale inquired how long the bridge will be out with the County Road 15 project. Fire Chief Van Eyll stated that he was told earlier in the morning that it will be out through September. He noted that next year there is a plan to redo a few bridges on North Shore Drive at the same time so

the only access point for those residents would be to come down Tonkawa Road. Mayor Miner asked if there were also plans for the Arcola Bridge within the next few years. Van Eyll replied that he'd been advised they were going to try to work on the Arcola Bridge this summer as well, but he had not heard the latest information on when they may begin. Council member Feldmann reported that he has also heard complaints about people speeding in the area of Orchard Circle and Meadow Lane, and stated that this area may be a good place for the 'your speed limit is...' sign.

**Speed Reduction Measures** - Mayor Miner inquired how much it may cost to come up with permanent solutions for some of the areas where traffic complaints are received and asked how much it may cost to install signage similar to the solar powered signage on Watertown Road. Diercks indicated that the last one he had purchased was in about 2010 and he believes it had cost about \$15,000 at that time, but he doesn't know what a current cost would be. Moeller noted that it may be possible to see if any of the COVID-19 funds coming could be used for this purpose since the pandemic has increased pedestrian traffic.

**Park Board Meeting on April 5** - Council member Joyce reminded the Council that the Park Board will be meeting on April 5, 2021 and noted that there is still one open seat. She asked the Council to encourage anyone interested to apply.

#### **ADJOURN**

*Hearing no objection, Mayor Miner adjourned the meeting by general consent at meeting at 8:15 pm.*

Respectfully submitted,

Scott Weske  
City Administrator